

Department of Defense (DoD)
Civilian Personnel Management Service (CPMS)
Field Advisory Services - *FAS*
Classification Appeal Decision

DoD Decision:	Civil Engineer, GS-0810-11
Initial classification:	Civil Engineer, GS-0810-11
Organization:	Army Corps of Engineers Construction Operations Division Physical Support Branch
Date:	July 28, 1997

INFORMATION CONSIDERED

This appeal decision is based on information from the following sources:

1. Appellant's letter with attachments.
2. The official position description for the appealed position, job description number and the evaluation statement.
3. Statement of job description accuracy signed by the appellant and the supervisor.
4. Organizational charts and mission and function statements pertaining to the appealed position.
5. Telephone interview with the supervisor and audit with the appellant.

STANDARDS REFERENCED

The United States Office of Personnel Management Position Classification Standard for the Civil Engineering Series, GS-810, Part III, December 1996, HRCD-2.

BACKGROUND AND POSITION INFORMATION

The appellant is assigned as a Civil Engineer, GS-810-11, for the U. S. Army District, Construction-Operations Division, Physical Support Branch. The Division is responsible for the accomplishment of the construction and operations and maintenance (O&M) activities within the geographic boundaries of the District Branch.

Both the appellant and the supervisor signed a statement that certified the accuracy of the position description of record. The appellant's duties and responsibilities are described in job description

number. The appellant is responsible for the scheduling, managing, and directing of the harbor maintenance dredging and structural repair functions for all commercial and recreational harbors of the District.

The appellant believes that the referenced standard used to classify his position does not totally relate to his position. However, the appellant referenced a similar job description from another U. S. Army District. Here the total points credited was the same for both the appellant's position and the GS-12 level cited job (75 points). Seventy-five points falls between the GS-11 and GS-12 point ranges. Consequently, the appellant believes that his position should be classified at the GS-12 level by resolving the borderline situation to the higher level. Before proceeding, it should be noted that this logic can not , in itself and/or with claims of classification inconsistency, automatically justify a higher grade level for the appellant's position. Classification appeal decisions , by law (sections 5106, 5107, and 5112 of title 5, United States Code), can not be based on comparisons to other positions which may or may not have been correctly classified and/or which may have had other duties and responsibilities on which the overall grade was based.

The supervisory position was given credit at the GS-12 level for non-supervisory duties in which "The appellant (supervisor) coordinates and manages activities for a group of smaller dredging, repair, and construction projects that include breakwalls, docks, piers, and wharves. ... The appellant (supervisor) performs a range of management duties that include all phases of assigned projects from preliminary planning through completion of work. He oversees the development of plans and recommendations for reconstruction, maintenance, repairs, and improvements to structures and facilities. He oversees the review of plans, designs, and specifications. He reviews and approves any proposed minor changes to project criteria, construction plans and schedules, contract terms, etc. He coordinates preparation of local cooperation agreements, rights of entry, clearances, and hydrographic and land surveys. The appellant (supervisor) conducts internal and external coordination needed to integrate and facilitate all project activities." The relationship between the appellant's position and his supervisor's position in terms of duties and responsibilities is critical in determining the appropriate classification of the appealed position. This issue will be discussed later.

TITLE AND SERIES DETERMINATION

The appellant does not contest the agency determination of title and series (Civil Engineer, Civil Engineering Series, GS-810). "This series includes professional positions in the field of civil engineering, typically requiring application of general knowledge of the physical sciences and mathematics underlying engineering, and specialized knowledge of (a) mechanics of solids, particularly of soils, (b) hydraulics, (c) theory of structure, (d) strength of materials, (e) engineering geology, and (f) surveying. Positions in this series have responsibility for management, supervision or performance of (1) planning, designing, constructing, and/or maintaining structures and facilities that provide shelter, support transportation systems, and control natural resources ; (2) investigating, measuring, surveying and mapping the earth's physical features and phenomena; and (3) research and development activities pertaining to (1) or (2)." The appellant's duties involve contractual and technical coordinative facilitation of the District's operation and maintenance projects primarily involved with harbor dredging and harbor structure construction and repair. This work matches the definition of the GS-810 series that is specifically defined in item (1) above. Consequently. the position is properly classified in the Civil Engineering Series, GS-810.

The correct title for the appellant's position is Civil Engineer. This is the appropriate title for positions whose paramount knowledge requirements do not clearly fit into any on the specialization's listed on

GRADE LEVEL DETERMINATION

The GS-810 Civil Engineering Series contains five sets of grading criteria: Part 1 applies to positions at grades GS-05 and GS-07; Part II to positions involved in the planning and design functions; Part III to positions involved in construction functions; Part IV to positions involved in facilities engineering management; and Part V to positions involved in investigations and surveys. The duties and responsibilities of the position are primarily concerned with the civil engineering function of construction. Specifically, the appealed position is responsible for the scheduling, coordinating and reviewing of all the contract plans and specifications for maintenance dredging within the District and the planning, directing, inspecting and managing the harbor structure repair program in all commercial and recreational harbors of the District.

The position determines final contract payment and eventual final contract costs. This directly relates to construction surveillance functions that are characterized by the following: "Investigate need for, contract change orders, considering conditions at work site, field measurements and computations, and local prices, and negotiate costs for changes required. Review contractor's cost breakdowns, progress measurement data, reports of material and equipment used, and field inspection and survey reports, in order to compute periodic payments." Consequently, Part III of GS-810 standard is the most appropriate section to use for classification purposes.

The two elements used in evaluation of construction engineering positions are: (1) level and kind of authority exercised, and (2) scope and complexity of construction operations. Element 1. Level and kind of authority exercised: This element is concerned with the kinds of functions performed by the engineer, and the relative independence and authority with which the engineer carries out these functions. The appellant's position is responsible for facilitating both the District dredging and harbor structure repair that cover Lake and involve 120 miles of channels, 40 miles of breakwaters and 41 harbors. The appellant's supervisor was credited as the project manager for these functions. The appellant performs duties which fully meet Degree C in that he is responsible for the major portion of a construction activity (dredging) in a geographical area and reports directly to the engineer in charge (appellant's supervisor) who "exercises control mainly by establishing the organizational framework and the overall contractual requirements interpretations under which work is to be accomplished."

Specifically, the appellant has authority to "determine adequacy and validity of contractor's measurements data, and amount of periodic payments due contractor and determine whether (dredging) is progressing in accordance with contract schedule requirements, and prepare technical reports setting forth progress status, and any contract action needed to correct deficiencies; prepare contract change orders and negotiate cost of minor changes with contractor's representative." The appealed position does not meet either degree D or E because it does not carry out the full range of field and office engineering functions through a staff or through subordinate supervisors. The appealed position is appropriately credited with Degree C which equals 40 points.

Element 2. Scope and complexity of construction operations: This element encompasses a number of considerations that involve size of projects, diversity of structures of facilities, installation of technical or specialized facilities, problems posed by dredging site/s, and presence of controversy or obstructive attitudes. The appealed position exceeds level 3 in terms of the combination of nonroutine and recurring nature of the dredging projects/operations that are impacted by changing political, environmental and budget factors. At level 3, projects include several kinds of structures and facilities

construction of which would normally require 2 years to complete. The direct relationships between the serviced areas in terms of dredging and harbor structure repair and available annual budget substantiate this position exceeds level 3.

The appealed position does not meet either the intent or equivalency with examples that are specified at level 5. At this level, "projects are characterized by (a) a variety of kinds of facilities and structural components, requiring about 4 years to construct; construction is likely to involve new and specialized equipment, materials and methods, and to present considerable site layout and foundation problems; (b) a highly specialized facility requiring about 2 years to construct, involving extensive special purpose technical equipment installation, and structural' features requiring specially adapted construction methods and quality control techniques; or (c) a series of two or three main types of structures or facilities that require about 5 years to complete construction; such an operation is subject to considerable variation in terrain, soil and climatic conditions, and requires dealing with a number of contractors, different local government jurisdictions, business and civic, and landowners." The appealed position exceeds level 3 but does not meet level 5 and it is appropriately credited with level 4 which equals 35 points.

Total points equate to 75 points. The range for GS-11 is between 65 and 70 points and the range for GS-12 is between 80 and 85 points. According to the instructions in the standard "The determination as to whether to convert to the next lower or the next higher grade should be based on application of general classification principles, considering for one thing the relative strength of the position to other positions in the organization." The relationship between the duties and responsibilities of the appealed position with the immediate supervisor's position strongly supports the final classification of this position at the GS-11 level.

The supervisor, classified as a Supervisory Civil Engineer, GS-810-13, performs non-supervisory duties at the GS-12 level and is responsible for the major program management responsibilities which involve coordinating and managing activities for a group of small dredging, repair, and construction projects that includes breakwalls, docks, piers, and wharves. This includes accountability for performing a range of management duties that include all phases of assigned projects from preliminary planning through completion of work. From an organizational standpoint, it would be inappropriate to consider awarding credit twice for technical duties that have already been credited to the appellant's supervisor at the GS-12 level who is ultimately accountable and responsible for accomplishment of those duties as the branch chief and program manager. Thus, in accordance with the conversion instructions in the standard, the appellant's position is properly classified at the GS-11 level.

DECISION

We have determined the appealed position is correctly classified as Civil Engineer, GS-810-11. This decision is a classification certificate that is binding on all administrative certifying, payroll, disbursing, and accounting offices within the Department of Defense.